

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DRUMMOND AMERICAN LLC,

Civil No. 08-5077 (JRT/RLE)

Plaintiff,

v.

**ORDER**

SHARE CORPORATION and MICHAEL  
C. ROSS,

Defendants.

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Kerry L. Middleton and Jodie F. Weinstein, **LITTLER MENDELSON, PC**, 80 South Eighth Street, Suite 1300, Minneapolis, MN 55402-2136; Darren M. Mungerson, **LITTLER MENDELSON, PC**, 200 North La Salle Street, Suite 2900, Chicago, IL 60601-1014, for plaintiff.

Brian Turner, **LAW OFFICE OF BRIAN TURNER**, 2100 East Martin Luther King Jr. Boulevard, Austin, TX 78702; and Tracey Holmes Donesky, **LEONARD STREET AND DEINARD, PA**, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, for defendants.

The parties having stipulated to the entry of an Order modifying the Preliminary Injunction previously entered in this case on October 20, 2008 [Docket No. 23] and based upon the pleadings, affidavits, legal memoranda, and other papers, filings and proceedings herein,

**IT IS HEREBY ORDERED:**

1. Defendant Michael C. Ross (“Ross”) is enjoined until a trial on the merits in this action or further Order of this Court from directly or indirectly soliciting orders from or selling to any of the customers or accounts identified in the Confidential

Customer List dated September 16, 2008 and submitted to the Court *in camera* as Exhibit A to the Temporary Restraining Order in this action [Docket No. 17] (the “Customer List”), any products or services of any kind whatsoever including, but not limited to, chemicals, hardware, tools, welding supplies, maintenance and repair operations (MRO) supplies, and related supplies and products;

2. Defendant Ross is enjoined until a trial on the merits in this action or further Order of this Court from directly or indirectly using or disclosing to Defendant Share Corporation (“Share”) or any third party, in any manner, Plaintiff’s Sales Kit, manuals, catalogs, prospect lists, customer lists, price lists, call reports, customer history record cards, computer summaries of customers’ purchasing activities, purchase orders, invoices, identity of customers’ purchasing agents or buyers, the nature of the business, particular purchasing requirements and habits, stocking requirements, product applications, uses and preferences, prices paid for products, practices and procedures of Plaintiff’s customers and potential customers;

3. Defendant Share is enjoined until a trial on the merits in this action or further Order of this Court from directly or indirectly soliciting orders from or selling to any of the customers or accounts identified in the Customer List, any products or services of any kind whatsoever including, but not limited to, chemicals, hardware, tools, welding supplies, maintenance and repair operations (MRO) supplies, and related supplies and products;

4. Defendant Share is enjoined until a trial on the merits in this action or further Order of this Court from directly or indirectly using or disclosing to any third

party, in any manner, Plaintiff's Sales Kit, manuals, catalogs, prospect lists, customer lists, price lists, call reports, customer history record cards, computer summaries of customers' purchasing activities, purchase orders, invoices, identity of customers' purchasing agents or buyers, the nature of the business, particular purchasing requirements and habits, stocking requirements, product applications, uses and preferences, prices paid for particular products, practices and procedures of Plaintiff's customers and potential customers;

5. The Court finds that a bond or other security is not necessary related to this Order for a Modified Preliminary Injunction;

6. By stipulating to the entry of this Modified Preliminary Injunction the parties do not waive the right to later present factual and legal arguments to the Court.

DATED: February 3, 2010  
at Minneapolis, Minnesota.

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge